

COUNTY OF SAN DIEGO

Request for Proposals

Development of County Operations Center Annex Site and Possible Related Sites in Kearny Mesa

**Send or Deliver Proposals to:
Department of General Services
Real Estate Services**

**5555 Overland Avenue, Suite 2110
San Diego, CA 92123**

Attn: Carl W. Harry, Supervising Real Property Agent

Subject: RFP for Redevelopment of County Annex Site and Related Sites in Kearny Mesa

Submittal Date: January 31, 2006, by 4:00 p.m.

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I. INTRODUCTION

The County of San Diego (County) seeks to identify the most qualified development team interested in redeveloping its County Operations Center Annex site and a possible related site in the community of Kearny Mesa within the City of San Diego. These holdings total 56.7 acres of land on two separate sites located approximately one-half mile apart, the 19.5-acre County Operations Center Annex (Annex Site) and the 37.2-acre County Operations Center (COC Site). Henceforth throughout this Request for Proposals (RFP), when these two sites are discussed in combination, they will be referred to as the Subject Sites. **The primary focus of this Request for Proposals (RFP) is the Annex Site, but redevelopment of the COC Site in concert with the Annex Site is an option the County is willing to consider. Proposals involving redevelopment of only the Annex Site will qualify as responsive to this RFP.**

The Subject Sites are currently developed with structures that house numerous County administrative departments, as listed in the table below:

County Departments Housed at Subject Sites	
County Operations Center Annex 355,000 SF	County Operations Center 469,000 SF
<ul style="list-style-type: none">• Environmental Health• General Services• Health and Human Services Agency• Public Administrator/Public Guardian• Parks and Recreation• Planning and Land Use• Public Works• Registrar of Voters• Sheriff	<ul style="list-style-type: none">• Agriculture, Weights & Measures• Auditor/Controller• Purchasing & Contracting• County Library• Farm & Home Advisor• General Services• Human Resources• Medical Examiner (1)• Office of Emergency Services• Probation• Public Works• Sheriff• Aging & Independence Services• Environmental Health• Planning & Land Use
(1) Medical Examiner currently located in Building 14. A planned 80,000-SF replacement building is currently being designed for the Building 11 site.	

The Annex Site consists of an irregularly-shaped parcel located at the southeast corner of Ruffin Road and Clairemont Mesa Boulevard, which is a signalized intersection. It offers excellent access to transportation, with Interstate 15 located less than one mile to the east and good visibility from both Clairemont Mesa Boulevard and Ruffin Road.

All of the County departments at the Annex Site are currently housed in one large, single-story structure of approximately 355,000 square feet (SF). The facility was built in the 1960s and is considered outdated and the Annex Site is underutilized by current standards, with a current effective Floor Area Ratio (FAR) of 0.4. The building contains some asbestos materials. A summary of findings concerning asbestos will be included in the Developer's Package (see Section XII).

The COC Site is located at the northern terminus of Overland Drive, north of Clairemont Mesa Boulevard. The COC Site is accessible from Overland Drive, from Farnham Street, and from Hazard Way, off of Ruffin Road. The southern boundary of the site provides approximately 700 feet of frontage along Farnham Street. The COC Site is an irregularly-shaped, level site currently developed as a low-rise office and light-industrial campus, with buildings ranging in size from one to three stories. Twenty-eight structures of varying sizes and heights currently exist on the site, with most constructed in the 1960s. The structures and building systems are considered outdated and inefficient. The immediate area surrounding the COC Site consists mainly of light industrial and commercial uses. Like the Annex Site, the COC Site is proximal to I-15 and offers excellent access to transportation, but does not offer visibility from major thoroughfares, such as Clairemont Mesa Boulevard.

The County is interested in receiving proposals that accomplish the following objectives:

- Generate income for the County through redevelopment of Subject Sites with residential and/or commercial uses to offset or defray the County's development costs.
- Provide the County with new space sufficient to meet the current and projected space demands of County departments currently located on the Subject Sites, as well as selected departments/functions currently housed in County facilities located at the County Administration Center (CAC) and other facilities located in downtown San Diego.
- Plan and phase development of new County space in such a way that adjacencies among departmental/administrative clusters are maximized, departments remain operational throughout the process, and respective departments move only once from their current locations.

The total amount of space that County departments will need is currently unclear. In July 2003, the County retained the firm of Roesling Nakamura Architects, Inc. to prepare the Kearny Mesa

Strategic Facilities Master Plan (SFMP). The objective of the SFMP was to provide long-range planning to guide the acquisition, disposition, and replacement of Kearny Mesa facilities through 2020. Though the SFMP was never fully completed and was not adopted by the County Board of Supervisors, the plan presented a great deal of useful information. The draft SFMP projected a space demand of approximately 930,000 SF through 2020 for departments currently on the COC Site and the Annex Site. The SFMP estimate did not factor in demand from departments currently located in downtown San Diego.

The County is currently updating its projection of future space demand to include departments currently located at the CAC and other downtown facilities. This updated tabulation will call out the departmental cluster adjacencies referenced previously and will be included in the Developer's Package (see Section XII), as will selected sections from the SFMP.

The County is willing to consider all reasonable proposals that meet the County's above-stated objectives, acknowledging the complexity of the circumstances and uncertainty of non-County development potential on the Subject Sites. These proposals may involve consolidating the County departments on one of the Subject Sites and including an office, commercial, or residential component as well, and redeveloping the remaining site with office commercial or residential uses; or developing new County space on an entirely different site elsewhere in the region and redeveloping the Subject Sites with office, commercial, or residential uses. The County encourages respondents to bring forth in their proposals creative thinking and innovative approaches to achieve the County's objectives.

It is the County's preference to enter into an agreement with a developer who will plan, design, and construct the County's needed facilities. The County may consider a long-term ground lease(s) on all, or portions, of the Subject Sites for inclusion of mixed-use commercial and/or residential development. The precise method of disposition of any portions of the Subject Sites used for non-County uses will be established during the entitlement and negotiation period after selection of a master developer.

II. PURPOSE OF THIS REQUEST FOR PROPOSALS

On September 20, 2005, the County Board of Supervisors acted on recommendation from Supervisor Ron Roberts to direct the Chief Administrative Officer (CAO) to develop a RFP to solicit interest in the redevelopment of the Annex Site as a business/residential/governmental center with possible revenue-generating private development and with an option to include the redevelopment of the COC Site. The Board authorized the CAO to release the RFP to redevelop the Subject Sites and to consider proposals involving revenue-generating private development, in conformity with State of California Government Code Sections 25515 through 25515.5.

This RFP provides instructions for qualified developers to prepare proposals to the County of San Diego for the redevelopment of the Subject Sites. Responses to this RFP will be evaluated as

described herein and one development team will be selected (Master Developer) to negotiate the terms for redevelopment of the County's Subject Sites, land use entitlements with the City of San Diego, and, if applicable, conveyance of the Subject Sites.

The Master Developer and the County will enter into exclusive negotiations by signing an Exclusive Negotiation Agreement (ENA). During the term of the ENA, the Master Developer and the County will document all business terms pursuant to the transaction in a Disposition and Development Agreement (DDA). Entitlement processing can proceed during the negotiation and documentation of the business terms with the County. If negotiations fail with the Master Developer, the County may initiate negotiations with the development team the Selection Committee concludes is the next best qualified.

The purpose of this RFP is to obtain information from development teams in order that the County can select the development approach that best reflects the goals of the County and conforms to City guidelines as well. Required information includes:

- Identifying proposed uses for the Subject Sites.
- Discussing possible environmental issues caused by the project.
- Providing a plan to finance infrastructure and development costs for private improvements, if any.
- Providing a financial pro forma for the proposed project, including the County facilities and any private development. An assessment of market feasibility should accompany proposals including a private development component.
- Creating a schedule for phasing of the improvements and accommodation of affected County departments while new facilities are being constructed.

III. PROPERTY DESCRIPTION

The County has numerous operational and administrative departments situated in the Kearny Mesa area of San Diego. For purposes of this RFP, the Kearny Mesa area is defined as an area bounded by State Highway 52 on the north, Interstate 15 on the east, State Highway 163 to the west, and Aero Drive to the south. The County occupies over 1.4 million SF of space within Kearny Mesa, some of which is leased and some of which is owned by the County in fee. Land use in Kearny Mesa consists mainly of commercial uses, including industrial, office, and light retail. Immediately west of the Annex, across Ruffin Road is the Kearny Mesa Spectrum, a 244,000-SF mixed-use business and residential center being built on the former site of General Dynamics.

The Annex Site currently contains one large building on the southern portion of the parcel that houses the County administrative uses listed previously. The northern portion of the Annex Site, including the Clairemont Mesa Boulevard frontage, consists of a large field of surface parking. The grade of the parking field is split, with the northernmost portion sitting approximately six feet below the grade at which the building is situated. This northerly lower portion of the parking field is level, at-grade, with Clairemont Mesa Boulevard and somewhat below the grade of Ruffin Road at the northwestern corner of the Annex Site. The facility and part of the parking field sits at-grade with Ruffin Road at the west and Ruffin Court on the south.

The COC Site is level at grade with the surrounding street grid. It contains multiple structures, including low-rise office buildings and light-industrial buildings, and surface parking. Three streets provide access to the COC Site, Overland Drive, Farnham Street, and Hazard Way, but the COC Site does not benefit from visibility from Clairemont Mesa Boulevard. Surrounding uses include light-industrial, office, and commercial. The description of the COC site herein includes the three county-owned Topaz buildings and land located on Hazard Way immediately adjacent to and east of the COC compound.

The City of San Diego's Kearny Mesa Community Plan is the guiding planning document for the area. The Plan sets an overlay with a maximum FAR of 0.5 for the area, however there are no height restrictions on the County parcels. It should be noted that the San Diego County Regional Airport Authority may urge more stringent limitations on height and employment intensity in certain areas of Kearny Mesa to accommodate flight approaches for Montgomery Field. The Annex Site and the COC Site are currently zoned for light industrial and/or office uses (IL 2-1 zone), which allows for a mix of light industrial and office uses with limited commercial uses.

Immediately east of and adjacent to the Annex Site is the County-operated Polinsky Children's Center complex. The Polinsky Center is a receiving home for abused and neglected youths. Constructed in the early 1990s on the nine-acre site, the Polinsky Children's Center is not part of this RFP, but its proximity and function are hereby duly noted for consideration. The facility's operating license may be compromised if development on the Annex Site creates site lines into the Polinsky site. It may be necessary to include visual screening or buffering in any development plans for the Annex Site.

IV. LAND USE ENTITLEMENT PROCESS

Proposed redevelopment on Subject Sites may require an amendment to the Kearny Mesa Community Plan if non-institutional uses are incorporated into the project. If uses remain strictly institutional, then a Plan amendment may not be required. However, it is likely that any intensification of use beyond what currently exists on the Subject Sites will trigger the need for traffic and environmental studies.

The land use authority is the City of San Diego and the decision-making body for entitlements may be one or more groups, including the Development Services Department, the Planning Commission, or the City Council. The Master Developer will be responsible for obtaining all land use approvals to implement the development proposal. The County is the sole authority for approval of the lease or sale agreement(s), if any, and any other real estate transaction documentation.

Responses to this RFP must include a narrative summary of possible environmental effects created by the proposed project with respect to earth movement, air quality, water quality, plant life, animal life, noise, land use aesthetics, transportation, circulation, public services, energy utilities, and cultural resources. The summary is not expected to be in a form or level of detail necessary for an Initial Study or Environmental Impact Report (EIR). However, it should be sufficient to highlight the developer's understanding of the potentially beneficial and adverse environmental consequences of the development considering both the construction period and long-term operation.

It shall be the responsibility of the selected Master Developer to complete or pay the cost for the completion of all environmental documentation required for entitlement and all real estate documentation. It is anticipated that an EIR will be required for the project.

The County of San Diego will take an active role in assisting the selected Master Developer in working with the City to obtain entitlements and land use approvals. The County's role will be that of a facilitator in the process.

V. BUSINESS TERMS

The following business terms shall be included in the ENA and expanded upon in the DDA proposed as documentation with the selected Master Developer. Additional business terms, as necessary, will be included in the DDA. The DDA will document the responsibilities of both the County and the Master Developer with respect to any transactions involving long-term ground leases or transfer of portions of the Subject Sites.

- A. The Master Developer shall prepare a development program and financial plan illustrating the feasibility of the proposed development on the Subject Sites that the parties have agreed to consider.
- B. The Master Developer shall undertake the design and construction of all infrastructure improvements and develop a plan for financing the cost of infrastructure improvements.
- C. The Master Developer shall secure all necessary planning, zoning, and other entitlement approvals for the proposed development at its own cost and expense per the DDA with the County.

- D. The Master Developer, working through the City of San Diego, shall prepare, or pay the costs to have prepared, all required environmental analysis documents in accordance with California Environmental Quality Act (CEQA) of 1970, as amended, at its own cost and expense.
- E. In the event that a ground lease is the method of disposition for any portion(s) of the Subject Sites, or is one of the methods of disposition of the Subject Sites, the Master Developer shall have the right to encumber its leasehold interest, and the leasehold lenders shall have reasonable rights of notice, cure, and to foreclose and assign a new tenant, subject to the County's approval, which will not be unreasonably withheld.
- F. In the event that a ground lease is the method of disposition for any portion(s) of the Subject Sites, or is one of the methods of disposition of the Subject Sites, the County's fee interest in the Site and the base rent shall be un-subordinated. This provision shall be reflected in both the DDA and a ground lease with the terms of this provision negotiated during the ENA term, consistent with common practices for other governmental agencies dealing with financeable ground leases.

VI. SUBMISSION REQUIREMENTS

Proposals are required to be organized and complete. All required elements listed below shall be individually tabbed and labeled for easy referencing and narrative shall be incorporated with each element, as necessary, to fully inform the reader.

- A. Title Page: This shall show the respondents name, RFP title, and date of submittal.
- B. Letter of Introduction: The respondent shall include the name, address, and statement of whether the respondent is an individual, partnership, corporation, joint venture partner, or other entity. The letter shall also provide the name of the person(s) authorized to make representations for the respondents and his/her address, phone number, fax number, and e-mail address. The person authorized to represent the proposal must sign the letter.
- C. Organizational Profile: The respondent must prepare an organizational chart of respondent's company or of project team showing project role and key personnel. Company profiles of team firms and resumes for key personnel of each firm on the respondent's team should accompany the organizational chart.
- D. Financial Data: The respondent must provide a complete report reflecting current financial condition including a balance sheet, annual income statement, and a statement of changes in financial positions during the last year, or other written evidence substantiating financial capability. The report must be prepared in accordance with generally accepted accounting

practice and be certified by a Certified Public Accountant. Provide statements addressing whether or not any surety bonding company has ever been required to perform upon Respondent's default; whether or not any of the principals in the Respondent organization holding more than a 10% interest have ever been declared bankrupt or is presently a debtor in a bankruptcy action.

- E. Litigation History: The respondent shall state whether or not any of the principals in the Respondent's organization holding more than a 10% interest are presently party to any pending litigation and/or are subject to any outstanding claims, liens, or judgments. Respondent will also list and describe any other litigation to which a principal may have been a party within the past 10 years.
- F. Previous Project Experience: The response shall include the development team's recent experience with similar projects, including detail concerning financing sources and amounts committed. Respondents should also include projects that included negotiations with government entities.
- G. Conceptual Project Plan: The response shall provide a conceptual land use plan and rationale to support the plan's suitability for meeting the County's needs and, if applicable, the feasibility of non-County elements included in the proposal.
- H. Project Schedule: The respondent shall provide a preliminary schedule showing the anticipated time to obtain land entitlements, complete infrastructure improvements, and begin marketing any non-County uses on the Subject Sites.
- I. Phasing Plan: The response shall include a plan for phasing the development, such that existing/affected County departments can continue to operate while new facilities are being constructed. The phasing plan is important to the overall response, as the affected departments are crucial to County government, and should also be integrated into the Project Schedule.
- J. Project Budget by Phase: The response shall include a detailed project budget that clearly integrates the Phasing Plan and the Project Schedule and includes predevelopment and development costs; and, a detailed cash flow pro forma for the proposed development, detailing financial and development assumptions, including capital requirements of the project (i.e., sources and uses of funds).
- K. Revenue Plan: The respondent shall prepare fully detailed revenue and expense projections for the plan illustrating the plan's profit potential. The format of the revenue plan must conform to blank pro forma templates prepared by the County's real estate advisor. The blank pro forma templates will be included in the Developer's Package (see Section XII). The

revenue plan should also incorporate agreement with the business terms or propose modifications to the business terms for inclusion in the ENA.

- L. Deposit: There will be a refundable \$5,000 deposit required for the submission of a response to this RFP. All respondents that are not selected for a panel interview will receive a refund of the submittal deposit. Those selected for a panel interview, but not selected as the Master Developer, will receive a refund after the selection of the Master Developer. At the time selection of the Master Developer and approval of the ENA is docketed for consideration by the Board of Supervisors in June/July 2005, the deposit amount shall be an additional \$150,000. Each proposer shall indicate, in its proposal, a willingness to provide the deposit in the total amount indicated (\$150,000) and under the terms of this RFP. At the time that a DDA is docketed for consideration by the Board of Supervisors, a minimum additional deposit in the amount of \$100,000 shall be required of the Master Developer. Additional costs, if applicable, will be negotiated after the DDA is signed. In the event that the Board of Supervisors does not accept the Selection Committee and staff's recommendation regarding selection, the initial submittal deposits (\$5,000) will not be returned.
- M. Executed ENA: The respondent will submit a fully executed ENA. The ENA will include the Business Terms and will be included in the Developer's Package (see Section XII). In the event that the proposing developer desires to change the business terms, the modifications should be included in the ENA. A principal of the Master Developer with the authority to provide such commitment shall execute the ENA.

VII. RFP EVALUATION CRITERIA

Subject to the number of proposals received, each proposing development team will be given an opportunity to make a presentation to designated County representatives. It is anticipated that proposing development teams will be evaluated considering, but not limited to, the following criteria:

- A. The potential lease and/or sale revenue to the County (Revenue Plan).
- B. How well the proposal articulates the goals and objectives of the County and maximizes the Annex Site's achievable yield to incorporate non-County, revenue-generating, uses on the Annex Site.
- C. The Master Developer's successful experience implementing comparable projects.
- D. The viability of the Phasing Plan, with respect to achievability and ability to maintain the operational status of County departments while new space is being constructed.

- E. The extent to which the proposal limits the financial burden of interim occupancy costs (if any) to the County during the construction period.
- F. The financial strength of the Master Developer and its ability to access sufficient equity capital to demonstrate a commitment to the success of the project and to satisfy conventional lender requirements.
- G. The resources of the Master Developer necessary to implement its development plan in an efficient and timely manner and its track record of completing similar projects on time and within budget.
- H. The Master Developer's willingness to comply with Business Terms and the nature and extent of any modifications to such Business Terms.
- I. Whether the proposal provides credible support for projected market absorption of proposed non-County uses.
- J. How well the proposal creates synergy with adjacent uses and compatibility with the objectives of the local community plan.

VIII. COUNTY OF SAN DIEGO RESPONSIBILITIES

The County will take an active role in assisting the selected Master Developer in working with the City to procure amendments to existing entitlements or to secure additional entitlements for the Annex Site and/or the COC Site. The County's role will be facilitator in the process.

IX. MASTER DEVELOPER OBLIGATIONS

It shall be the responsibility of the Master Developer to retain the services of planners, architect(s), engineer(s), general contractor, primary entity(ies) for financial responsibility, and other such services. The following is a general overview of anticipated Master Developer obligations. At a minimum, the selected development team must provide the following services:

- A. Master Developer: The Master Developer entity of the development team shall have the demonstrated experience in master planning and developing commercial (office and retail), urban residential, and/or mixed-use developments. It shall be the obligation of the selected Master Developer to act in the master developer capacity with respect to all pre-development, entitlement, financing, and development activities for the project.
- B. Proposed Land Use Plan: The Master Developer will be responsible for creating a land use plan that will (a) meet the County's current- and long-term space needs, (b) include a phasing plan that will facilitate uninterrupted continuation of County operations while new space is

being constructed, and (c) include non-County uses that will generate an income stream for the County.

- C. Development Approvals: Procuring required subdivision maps, zoning, permitting, and other developer regulatory approvals shall be the sole responsibility of the Master Developer. This will include CEQA requirements, hazardous/toxic waste assessments, and mitigation plans.
- D. Financing: The responsibility for financing infrastructure and private improvements will be the responsibility of the Master Developer.
- E. County Interim Occupancy: Approach for interim occupancy of affected County departments during construction. Preparation of a plan that limits the financial burden (if any) for interim occupancy costs to the County.
- F. Construction: The Master Developer will be responsible for the construction of all on-site and off-site improvements necessary for the development of the Annex Site.
- G. Revenue Development: The Master Developer will be responsible for marketing and leasing the non-County uses on the Subject Sites and generating revenues to the County, as the non-County uses are phased on the Subject Sites.
- H. Deposit: Each proposed Master Developer shall provide a non-refundable deposit to the County of San Diego in the amount of \$5,000 at the time of submission of its proposal to the County.

X. PRE-PROPOSAL CONFERENCE

Following issuance of the RFP, two pre-proposal conferences will be held. The first conference is to be held on November 9, 2005 and the second conference will follow on November 30, 2005. The purpose of these meetings is to provide interested parties with additional background information on this complex development opportunity and to answer questions related to this RFP. Attendance at these meetings is mandatory for all proposers and reservations are required in order to attend. The meetings will be held at the following location:

National University
Spectrum Business Park
9388 Lightwave Avenue
San Diego, CA 92123

Seats at the pre-proposal conferences can be reserved by first purchasing the Developers Package (discussed below) and subsequently contacting either of the following individuals:

Carl W. Harry, Supervising Real Property Agent
Department of General Services, Real Estate Services Division
5555 Overland Avenue, Suite 2110
San Diego, CA 92123-1294
Phone: (858) 694-2317
Fax: (858) 694-2369

Eileen Wilson
Department of General Services, Real Estate Services Division
5555 Overland Avenue, Suite 2110
San Diego, CA 92123-1294
Phone: (858) 694-2289
Fax: (858) 694-2369

XI. SELECTION SCHEDULE

The following is the anticipated schedule for this process:

October 25, 2005	Issue RFP
November 9, 2005	Pre-proposal Conference #1 (Mandatory)
November 30, 2005	Pre-proposal Conference #2 (Mandatory)
January 31, 2006	Deadline for submitting response
February 28, 2006	In-house review completed
March 15, 2006	Executive review completed
May 11, 2006	Panel interviews completed
May 31, 2006	Executive review and approval phase completed
June/July 2006	Board recommendation and ENA authorization

XII. DEVELOPER'S PACKAGE

Purchase of the Developer's Package is mandatory in order to attend the pre-proposal conferences. The purchase price of the Developer's Package is \$500.

The Developer's Package will contain the following:

- Preliminary title report(s)
- Aerial photograph of the Annex Site, the COC Site, and surrounding area
- Copies of relevant community planning documents
- Sample Exclusive Negotiation Agreement that will be used when a developer is selected after evaluation of proposals
- Selected sections of the draft 2003 Strategic Facilities Master Plan (SFMP)
- Blank pro forma templates for use in the respondent's preparation of the Revenue Plan

- Forecast of County facility requirements
- Design criteria

The Developer's Package can be picked up at the County COC in person or obtained by mail by sending a check made payable to the County of San Diego to the following address:

County Operations Center
 Department of General Services, Real Estate Services Division
 Attn: Carl W. Harry, Supervising Real Property Agent
 5555 Overland Avenue, Bldg. 2, Room 110, Suite 2110
 San Diego, CA. 92123-1294
 (858) 694-2317

XIII. COUNTY OF SAN DIEGO GENERAL CONDITIONS

The following general conditions apply to this submittal:

- A. General Guidelines for Content: The response to the RFP shall be clear, concise, and detailed enough to enable the Selection Committee to make a thorough evaluation and arrive at a sound determination as to whether the proposed development concept and development team meet the goals of the County.
- B. Duty to Inquire: Before submitting a response to the RFP, respondents should carefully read all sections of this RFP and fully inform themselves as to all conditions and limitations. Should a respondent find discrepancies in or omissions from the RFP documents, or should the respondents be in doubt as to their meaning, the respondent shall at once notify the County. Such notifications and questions must be in writing, and must be received by the County at least ten (10) calendar days before the submittal date.
- C. Explanation to Respondents: The County reserves the right to interpret or change any provision of this RFP at any time prior to the submission date. Such interpretations or changes shall be in the form of an addendum, and will be made available to each person or organization that has received the RFP. Oral explanations will not be binding. The County, at its sole discretion may determine that a time extension is required for submission of the response to the RFP. In such a case, an addendum shall include a new response to the RFP submission deadline.
- D. Right to Judge Representations: The County Board of Supervisors shall be the final judge of the acceptability of a respondent's written or oral representations.

- E. Failure to Conform/Proof of Presentation: Any response to the RFP that modifies or fails to conform to the essential requirements or specifications of the RFP will be considered non-responsive and unacceptable.

The County may require whatever evidence is necessary relative to the respondent's financial stability. The County also reserves the right to request further information from the authorized representative of a respondent, either orally or in writing. Written requests will be addressed to the authorized representative of the respondent.

- F. Truth and Accuracy of Representations: False, incomplete, or non-responsive statements will be cause for rejection of the response to the RFP. The evaluation and determination of the fulfillment of the above requirements will be the County's responsibility and its judgment will be final.
- G. Rights to RFP Information: Information disclosed in the response to the RFP and attendant submissions will become the property of the County.
- H. Protest Procedures: Any protest or appeal resulting from this request must be submitted in writing to John McTighe, Director, Department of General Services, within five (5) working days of notification of rejection.
- I. Disclaimer: This solicitation does not commit the County of San Diego to award a contract or the City of San Diego to approve a land use plan, to pay costs incurred in the preparation of a response, or to procure a contract for any services. The County, at its sole discretion, may reject any and all submittals and incur no expense.
- J. Board of Supervisors Contact: Development team members should not contact Board Members, Supervisors' staffs, or City Council Members regarding this solicitation. Any such contact may be cause for rejection of a submittal.

XIV. REQUEST FOR PROPOSALS SUBMISSION

- A. Ten (10) copies of each response to the RFP are required and must be received by the County no later than 4:00 p.m. on January 31, 2006. Responses to the RFP received after that time will be returned unopened.

B. Send or deliver proposals to:

Department of General Services
Real Estate Services Division
Attn: Carl W. Harry, Supervising Real Property Agent
5555 Overland Avenue, Suite 2110
San Diego, CA 92123-1294

Subject: Request for Proposals for Redevelopment of County Operations Center(s)

C. Questions should be submitted in writing, e-mailed, or faxed to:

Department of General Services
Real Estate Services Division
Attn: Carl W. Harry, Supervising Real Property Agent
5555 Overland Avenue, Suite 2110
San Diego, CA 92123-1294
Phone: (858) 694-2317
Fax: (858) 694-2369
Email: Carl.Harry@sdcounty.ca.gov